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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,544	08/08/2000	Noboru Masuda	520.38856X00	5605

20457 7590 06/25/2002

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EXAMINER

KINKEAD, ARNOLD M

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 06/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application N .	Applicant(s)	
29/634,544	MATSUDA et al	
Examiner	Anne K. Keats	Group Art Unit 2817

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- Responsive to communication(s) filed on 8/16/02.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- Claim(s) 1 - 10 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1 - 10 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

### Pri ority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing R view, PTO-948  Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gersbach et al.(of record, 5,485,126) and further in view of Atriss et al(US 5,304,955)

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The ring oscillator with three inverters, as disclosed by Gersbach et al, discloses use in a PLL with phase detector(see figure 3 for VCO). A first MOS(Q9), and first and second capacitors(Q17,18) are shown.

The reference does not highlight the fact that PLL's also make use of frequency comparators that provide coarse tuning which then changes to fine tuning by way of the phase detection control. This is notoriously well known in the art. Also, a feedback divider or reference divider allows for specific frequency control as is conventional too in PLL systems. The additive which control the frequency by a **digital signal**(1 bit at a time) is not shown.

With regards these ideas, the reference by Atriss et al discloses a PLL(integrated)(see figure 1), that makes use of all the notorious loop elements such as phase detector(14), frequency detector, VCO(22), and divider(30). Also shown is the additive control means(36,38) that allow for the digital control of the VCO output frequency in addition to the control input on transistor(150).

In light of the above it would have been recognized by one of ordinary skill in the art to have made use of the frequency comparison and divider elements in the broadly described PLL of Gersbach et al to generate a desired PLL synthesizer output as is notoriously well known in the art and as highlighted by Atriss et al including the additional digital control feature to further enhance the frequency output.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnold Kinkead whose telephone number is (703) 308-3486. The examiner can normally be reached on Mon to Fri from 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal, can be reached on (703) 308-4909. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Arnold Kinkead

June 23, 2002



ARNOLD KINKEAD  
PRIMARY EXAMINER